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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,733	11/12/2003	Steven Landau	Touchgraphics-1	7961
7590	03/02/2005		EXAMINER	
Ted Sabety, Esq. Sabety +associates 36th Fl. One Penn Plaza New York, NY 10119			ZANELLI, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3661	
			DATE MAILED: 03/02/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

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<i>R</i> <b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/706,733 <b>Examiner</b> Michael J. Zanelli	LANDAU, STEVEN <b>Art Unit</b> 3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,15,16,19-21,24,26 and 27 is/are rejected.
- 7) Claim(s) 4-14,17,18,22,23 and 25 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The application filed 11/12/03 has been examined.
2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires that the claims be numbered consecutively. Misnumbered claims 15-28 been renumbered as 14-27.
3. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
4. The drawings are objected to because:
  - A. The views shown in Figure 1 must be labeled separately because they represent two different embodiments.
  - B. In Figure 1, the audio amplifier, memory, network data receiver, and audio player must be labeled with reference characters.
  - C. In Figure 2, reference characters "107" and "200" as well as "100" and "502" are indicating the same elements, respectively. Also label block "301" as "RFID". It is further noted that the label "301" is being used to indicate two distinct elements in the Figure.
5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining

figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The disclosure is objected to because of the following informalities:

- A. The description starting on page 2, line 15 describes elements which are not shown in Figure 1 as stated, but rather Figure 2. The description of Figure 1 appears to start on page 3, line 18 and should be indicated as such.
- B. The following identifiers are used throughout the specification, but are not shown in the Figures: 120, 112, 101, 300.

7. Claims 1-27 are objected to because of the following informalities:

- A. As per claims 1, 19 and 20, only the first word of the claim should be capitalized.
- B. As per claim 20, at line 5 change the period to a semicolon.
- C. As per claims 25 and 26, rewrite as separate paragraphs.
- D. As per claim 27, at the end of the claim change the comma to a period.
- E. All claims depending from an objected base claim are also objected to as containing the same deficiencies.

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8. Claims 15, 16, 19-21, 26 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- A. As per claim 15, "the microphone" lacks antecedence.
- B. As per claim 19, "the selected destination" lacks antecedence.
- C. As per claim 21, "the handheld device" lacks antecedence.
- D. As per claim 26, "the handset", "the handset key pad" and "the handset microphone" lack antecedence.
- E. All claims depending from a rejected base claim are also rejected as containing the same deficiencies.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 19, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman (4,935,907).

- A. As per claim 19, Friedman discloses a method of guiding a person to a given destination by transmitting a request to produce a cue sound and emitting a sound from

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an audio device located at the given destination (Abs; col. 1, lines 31-36; col. 4, lines 37-43).

B. As per claims 26 and 27, as above whereby a portable handset allows one to select a desired destination via at least a keypad with audio output (col. 5, lines 22-29) and that the destinations can be within a defined living space (Fig. 2).

11. Claim 19 is further rejected under 35 U.S.C. 102(b) as being anticipated by Osaka (4,660,022).

A. As per claim 19, Osaka discloses a method of guiding a visually impaired person in which the person is guided to a given destination by an audio beacon located at the destination upon being activated by the person in response to a request for guidance (Abs; col. 1, lines 54-60; col. 2, lines 18-31).

12. Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hull (US 2004/0030491).

A. As per claims 19 and 20, Hull discloses a method of guiding a person through a space to a given destination in which cue sounds are produced from virtual audio beacons to lead a person from one beacon to the next along a route to the destination (Abs; [0059-0063], [0069]).

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-3, 19 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ono et al. (5,032,836).

A. As per claims 1 and 19, Ono discloses a system and method of guiding a visually impaired person in which the person is guided to a given destination by an audio beacon located at the destination upon being activated by the person in response to a request for guidance (Abs; col. 1, lines 34-44). The system includes a portable unit for requesting guidance to a given destination via wireless signal and a receiver for receiving the request and outputting an audio signal to guide the user to the location. The disclosed functions are embodied as hardware circuits whereby the claimed invention uses a computer-based system. However, one of ordinary skill in the art would have found it obvious that the disclosed circuits could equally be implemented using a computer programmed to perform the same functions.

B. As per claims 2, 3 and 24, as above whereby the sound is emitted from means associated with the audio beacon in response to the user's guidance request from the portable unit. The audio beacon may be placed in any desired location including entrances and seats on transportation vehicles (col. 1, lines 39-44).

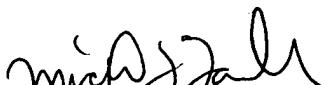
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Zanelli whose telephone number is (703) 305-9756. The examiner can normally be reached on Monday-Thursday 8:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/mjz



MICHAEL J. ZANELLI  
PRIMARY EXAMINER